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No. 03-1500

In the Supreme Court of the United States

THOMAS VAN ORDEN,

Petitioner,

v.

RICK PERRY, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS AND CHAIRMAN, STATE PRESERVATION BOARD, ET AL.,

Respondents.

On Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

BRIEF OF *AMICUS CURIAE* AMERICAN CENTER FOR LAW AND JUSTICE IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICUS CURIAE*

Amicus, American Center for Law and Justice (ACLJ), is a nonprofit, public interest law firm and educational organization specializing in First Amendment litigation. ACLJ attorneys have argued or participated as amicus curiae in numerous cases in this Court. *See, e.g.*, *McConnell v. Federal Election Comm'n*, 540 U.S. 93 (2003); *Santa Fe Indep. Sch. Dist. v. Doe*, 530 U.S. 290 (2000); *Hill v. Colorado*, 530 U.S. 703 (2000); *Lamb's Chapel v. Center Moriches Union Free Sch. Dist.*, 508 U.S. 384 (1993); *Bray v. Alexandria Women's Health Clinic*, 506 U.S. 263 (1993); *Westside Comm. Sch. V. Mergens*, 496 U.S. 226 (1990).

Amicus has represented nearly two dozen governmental entities in cases involving the defense of public displays of the Ten Commandments and other objects with religious significance, including the following reported cases: *City of Elkhart v. Books*, 532 U.S. 1058 (2001) (Rehnquist, C. J., with whom Scalia and Thomas, J. J., join, dissenting from denial of cert.) (Fraternal Order of Eagles Ten Commandments Monument in front of city hall); *ACLU of Ohio Found., Inc. v. Ashbrook*, 375 F. 3d 484 (6th Cir. 2004) (Ten Commandments poster in courtroom display); *ACLU Neb. Found. v. City of Plattsmouth*, 358 F. 3d 1020, *rehearing granted*, 2004 U.S. App. LEXIS 6636 (8th Cir. Neb., Apr. 6, 2004) (Fraternal Order of Eagles monument in city park); *Freedom From Religion Foundation, Inc. v. City of Marshfield*, 203 F. 3d 487 (7th Cir. 2000) (statue of Jesus Christ in city park); *ACLU v. Mercer County*, 240 F. Supp. 2d 623 (E. D. Ky. 2003) (Decalogue included in Foundations of American Law and Government courthouse display); *Schmidt v. Cline*, 127 F. Supp. 2d 1169 (D. Kan. 2000) (In God We Trust poster in county treasurer's office). The ACLJ

has developed a special expertise in this area which would be of benefit to the Court.

SUMMARY OF ARGUMENT

The Fifth Circuit's observation that the Decalogue has had an "extraordinary influence" on the civil and criminal laws of this country is a bit of an understatement. *Van Orden v. Perry*, 351 F. 3d 173, 181 (5th Cir. 2003). In fact, the integral part played by the Decalogue in the legal history of Western Civilization, from the dim mists of Alfred's time, through the era of Blackstone and the American framers, is made manifest in a multitude of executive and judicial references to the Ten Commandments as a source and symbol of Law, routine popular invocation of them as a paradigm of Rules, and frequent governmental depiction of them in public places, especially places where laws are made and justice administered. All of these things dramatically underscore the correctness of the court below's conclusion that "a State's display of the decalogue is a manner that honors its secular strength is not inevitably an impermissible endorsement of its religious message in the eyes of our reasonable observer." *Van Orden*, 351 F. 3d at 182.

By including a monument containing a non-sectarian version[1] of the Decalogue among numerous other historical

[1] The argument made by the petitioners and some amici about the supposedly "Protestant version" displayed on the monument is a red herring. The version in question is one developed by the Fraternal Order of Eagles — not a religious group at all. *See, State of Colorado v. Freedom From Religion Foundation, Inc.*, 898 P. 2d 1013, 1016-1018 (Colo. 1995). Moreover, there is no such thing as a "Protestant version" or a "Catholic version" of the Decalogue. The so-called "Catholic version" is traditionally followed by Lutherans (who certainly consider themselves Protestants). The so-called "Protestant version" is followed by the Orthodox Churches (who certainly do *not* consider themselves Protestants). *See* Harold J. Berman, *The Transformation of Western Legal Philosophy in Lutheran German Philosophy in Lutheran Germany*, 62 S. Cal. L. Rev. 1573, 1660, n. 114 (1989); *see also*, § 2066, *Catechism of the Catholic Church*, 1994.

monuments and displays on the grounds of its State Capitol, Texas does not violate the Establishment Clause. This Court should affirm the judgment of the court below.

ARGUMENT

THE HISTORY AND UBIQUITY OF GOVERNMENTAL AND OTHER RECOGNITION OF THE DECALOGUE'S SECULAR ROLE ENSURES THAT PUBLIC DISPLAYS OF THE TEN COMMANDMENTS CONVEY A MESSAGE WHICH IS PREDOMINANTLY SECULAR.

As the court below succinctly put it: "History matters here." 351 F. 3d at 181. Indeed, this Court has held that the "history and ubiquity" of a practice is one of the elements of the endorsement test. *Lynch v. Donnelly*, 465 U.S. 668, 693 (1984) (O'Connor, J., concurring) ("because of their history and ubiquity, those practices [Thanksgiving, In God We Trust] are not understood as conveying government approval of particular religious beliefs"); *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 630 (1989) (O'Connor, J., concurring) ("the 'history and ubiquity' of a practice is relevant because it provides part of the context in which a reasonable observer evaluates whether a challenged governmental practice conveys a message of endorsement of religion"); *Capitol Square Review and Adv. Bd. v. Pinette*,

515 U.S. 753, 780 (1995) (O'Connor, J., concurring); *Elk Grove Unified School Dist. v. Newdow*, 124 S. Ct. 2301 (2004) (O'Connor, J., concurring) ("in examining whether a given practice constitutes an instance of ceremonial deism, its 'history and ubiquity' will be of great importance").

This case cannot be properly evaluated without an understanding of the "history and ubiquity" of the Decalogue as both a source and symbol of law in American culture. In fact, an understanding of the Commandments' role in the development of Western law, and a survey of judicial, executive, legislative and other secular references to and depictions of the Ten Commandments demonstrates that symbolic use of the Decalogue — such as that exemplified by Texas' display of the Eagles' monument — is at least as ubiquitous and as much a part of "our Nation's cultural landscape," *Newdow*, 124 S. Ct. at 2322, as other traditional practices expressly or implicitly approved by this Court. *See, e.g., Lynch*, 465 U.S. at 674-678 (listing practices which do not violate the Establishment Clause such as Thanksgiving and Christmas national holidays, paid military chaplains, legislative invocations, "In God We Trust" as national motto, "One Nation Under God" in Pledge of Allegiance, executive proclamations of days of prayer and thanksgiving, display of religious art in public museums, provision of chapels in U.S. Capitol for worship and meditation, and this Court's permanent display of Moses with the Ten Commandments).

A. *The Foundational Role of the Decalogue in the Development of Anglo-American Law*

The portion of the Hebrew Scriptures called the Ten Commandments, or the Decalogue, is an integral part of the legal heritage of Western civilization. To require its removal from the walls of American courthouses and other public

settings because it refers to the God of Israel as a source of fundamental legal obligations would be similar to requiring the removal of the Declaration of Independence because it refers to "Nature's God" and to "the Creator" and to "divine providence" as the source of the equality of all persons and of the universal rights of life, liberty and the pursuit of happiness. Indeed, if one were to eliminate religious references from our legal history, one would reduce the time-frame of that history to very recent generations.

The founders of the American Republic, in carrying over to it many features of the English law inherited from the colonial period, were highly conscious of the historical sources of that law, including its source in Biblical law and morals.

The founding fathers were entirely familiar with, and strongly influenced by, the great treatise of William Blackstone entitled *Commentaries on the Laws of England*, published in 1765, in which he wrote that there are two main sources of human law, namely, a law of nature, which "God has enabled human reason to discover," and a divine law, "whose doctrines are to be found only in holy scripture." "Upon these two foundations," Blackstone wrote, "depend all human laws; that is to say, no human laws should be suffered to contradict these."[2] Referring indirectly to the Ten

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[2] William Blackstone, *Commentaries on the Laws of England*, 39-42 (facs. editions, 1979) (1765). The founding generation learned its law from Blackstone's *Commentaries on the Laws of England*. See, Albert Altschuler, *Rediscovering Blackstone*, 145 U. Pa. L. Rev. 1 (1996). As historian Daniel Boorstin puts it, "In the history of American institutions, no other book — except the Bible — has played so great a role . . ." Daniel J. Boorstin, *The Mysterious Science of the Law* (1958).

Commandments, Blackstone stated that "murder . . . is expressly forbidden by the divine, and demonstrably by the natural law; and from these prohibitions arises the true unlawfulness of this crime."[3] Indeed, the first major book of English history, King Alfred's 9th century collection of rules of Anglo-Saxon law, starts with the full text of Exodus 20:1-17 of the Old Testament, containing the Ten Commandments.[4]

The Biblical commandments were also considered to be authoritative in English law throughout the Roman Catholic period of its history (12th to early 16th centuries) as well as throughout the Tudor-Stuart period of royal supremacy over the Church of England (16th to 17th centuries). Sir John Fortescue's 15th century political and legal treatise, *In Praise of the Laws of England*, which was republished and annotated by John Selden in the 17th century, invoked Mosaic law in

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[3] *Id.*, p. 42.

[4] *See*, J.A. Giles, *The Whole Works of King Alfred the Great*, vol. 3 (ed., 1858) p. 120. The precarious nature of Alfred's achievement — building a society based on law in the face of barbarian violence and chaos — an achievement too little appreciated in our time, is perhaps best captured in Chesterton's lines:

> A sea-folk blinder than the sea
> Broke all about his land,
> But Alfred up against them bare
> And gripped the ground and grasped the air,
> Staggered, and strove to stand.
> * * *
> And for one hour of panting peace,
> Ringed with a roar that would not cease,
> With golden crown and girded fleece
> Made laws under a tree.

G. K. Chesterton, *The Ballad of the White Horse*, Book I.

order to inspire the "Prince" to govern according to the rule of law.[5] Likewise, Sir Edward Coke considered natural law, "which predated and underlay the laws of England," to have "had its earliest written expression in Mosaic law."[6] William Welwood's 1636 commentary on maritime law twice cited precedents from Deuteronomy as authoritative, in the division of spoils and on letters of marque respectively.[7]

Under the influence of Calvinism in the later 17th and early 18th centuries an even stronger emphasis was placed on Mosaic law, including the Decalogue, and on the Biblical sources of English law.

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[5] Fortescue's treatise is presented as a dialogue between a "Prince" and a "Chancellor" who advises the Prince on English law and good governance." "Moses, that greatest of legislators," Fortescue's Chancellor advises the Prince ". . . invites you to strive zealously in the study of the law." Furthermore, Fortescue urges the Prince to study the Mosaic law of Deuteronomy "all the days of his life." Sir John Fortescue, *De Laudibus Legum Anglie*, published in Sir John Fortescue, *On the Laws and Governance of England*, Shelly Lockwood, ed., in *Cambridge Texts in the History of Political Thought* (1997) p. 4.

[6] *See* Steven K. Green, *The Fount of Everything Just and Right? The Ten Commandments as a Source of American Law*, 14 J.L. & Religion 525 (1999) p. 534. Green denies that the Ten Commandments formed a significant part of 18th century legal theory, although he acknowledges that prior to the 18th century the Ten Commandments in general, and Mosaic law in particular, were often cited as part of the English legal tradition and constituted the moral foundation of common law, including the charters and laws of the American colonies.

[7] William Welwood, *An Abridgement of All Sea-Laws Gathered Forth of all Writings and Monuments, Which Are to be Found Among Any People or Nation* (1636) pp. 179, 182.

Although Calvinism remained especially strong in the American colonies, it eventually had to compete with other forms of Protestantism and also with Deism. All these belief-systems shared, however, a strong belief both in the religious foundation of moral values and in the moral foundations of legal principles. As President George Washington stated in his Farewell Address of 1796, "[R]eason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles." "Let it simply be asked," he said, "where is the security for property, for reputation, for life, if the sense of religious obligation desert the oaths which are the instruments of investigation in courts of law?"

Unlike the contemporary French Revolution of 1789, which initially abolished the Biblical seven-day week in favor of a ten-day week, and unlike the Russian Revolution of October 1917, which initially abolished the Biblical seven-day week in favor of a numbered five-day work week with the sixth day off, the American Revolution preserved the Biblical seven-day week, dictated by the Ten Commandments, with a seventh day of rest.

The Ten Commandments has also played a decisive role in Western legal scholarship. Protestant legal scholars of the 16th century, starting with Martin Luther and Philip Melanchthon, faced with the task of synthesizing for Protestant princes the pre-existing separate systems of canon law, Roman law, royal law, feudal law, and mercantile law, turned to the last six of the Commandments to identify "branches" or "fields" of law. They found the source of constitutional law expressed in the commandment to honor one's father and mother, which they interpreted as a command to respect higher authority; the source of criminal law in the commandment not to kill; the source of family law in the commandment not to commit adultery; the source of property

law in the commandment not to steal; the source of contract law in the commandment not to bear false witness; and the source of the law of delict in the commandment not to covet, that is, not to seek to obtain what belongs to another. These categories which are still preserved in our legal science, cut across the diverse jurisdictions of the earlier period, each of which had been autonomous but which, with the rise of Protestantism, came to be combined under the authority of the monarch. Of particular importance legally was the separation, for the first time, of the category of property from the Roman law category of obligations.[8]

It is hardly an establishment of religion officially to recognize that the Ten Commandments were understood by our ancestors to be the source of the division of law into branches of constitutional law, criminal law, family law, property law, contract law, and tort law.

Not only the authors of the United States Constitution but also their successors who are authorized to interpret it have preserved the historical dimension of American law. The continuity of its development over generations and centuries, which is reflected in the doctrine of precedent as well as in legal scholarship, is symbolized in the display of the Ten Commandments, which for centuries has been considered to be a historical source of universal legal obligations.

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[8] *See* Harold J. Berman, *Law and Revolution II: The Impact of the Protestant Reformations on the Western Legal Tradition* (2003) p. 82-85, 117-118.

B. *Evidence of Judicial Recognition of Decalogue's Foundational Role.*

1. The U.S. Supreme Court

On at least seven occasions, members of this Court have noted the foundational role of the Ten Commandments in the development of our legal system.[9] See, *McGowan v. Maryland*, 366 U.S. 420 (1961) (Frankfurter, J.,) ("Innumerable civil regulations enforce conduct which harmonizes with religious concerns. State prohibitions of murder, theft and adultery reinforce commands of the decalogue"); *Griswold v. Connecticut*, 381 U.S. 479, 529, n.2 (1965) (Stewart, J., dissenting) (most criminal prohibitions coincide with the prohibitions contained in the Ten Commandments); *Stone v. Graham*, 449 U.S. 39, 45 (1980) (Rehnquist, J. dissenting) (the Ten Commandments, undeniably, "have had a significant impact on the development of secular legal codes of the Western World"); *Lynch*, 465 U.S. at 677 (Burger, C.J.) (noting with approval the presence of depiction of Moses and Ten Commandments on Supreme Court's wall); *Edwards v. Aguillard*, 482 U.S. 578, 593-94 (1987) (Brennan, J.) (Ten Commandments have played both a secular and religious role in the history of Western Civilization); *County of Allegheny,* 492 U.S. at 652-53 (Stevens, J., with whom Brennan, J., and Marshall, J., join concurring in part, dissenting in part) (carving of Moses with Ten Commandments on wall of Supreme Court's courtroom alongside famous secular lawgivers is a fitting message for a courtroom); *City of Elkhart v. Books*, 532 U.S.

[9] The late Chief Justice Warren attributed such a role to the Bible in general: "I believe the entire Bill of Rights came into being because of the knowledge our forefathers had of the Bible and their belief in it . . . ," quoted in TIME, Feb. 15, 1954.

1058 (2001) (Rehnquist, C. J., with whom Scalia, J. and Thomas, J., join, dissenting from denial of certiorari) ("Undeniably, however, the Commandments have secular significance as well, because they have made a substantial contribution to our secular legal codes").

2. The State Supreme Courts

There are well over a hundred references to the Ten Commandments in the reported decisions of the state supreme courts. Appendix A lists the relevant citations. Each case contains some statement acknowledging the foundational role of the Decalogue in Anglo-American jurisprudence or a reference to the Commandments as an archetype of Law in general. The following examples are illustrative of the tenor of this recurrent theme of American jurisprudence:

- *Bertera's Hopewell Foodland, Inc. v. Masters,* 236 A.2d 197, 200-201 (Pa. 1967) ("This Act of 1794 (Pennsylvania Sunday Closing Law) itself traces an ancestry back to the Ten Commandments fulminated from the smoking top of Mt. Sinai. This divine pronouncement became part of the Common Law inherited by the Thirteen American colonies and by the sovereign States of the American union.")

- *Moore v. Strickling,* 33 S.E. 274, 277 (W.Va. 1899) ("[I]t is said that the illustrious King Alfred adopted the Ten Commandments as the foundation of the early laws of England, contained in his Doom Book. These commandments * * * appeal to us as coming from a superhuman or divine source, and no conscientious or reasonable man has yet been able to find a flaw in them. Absolutely flawless, negative in terms, but positive in meaning, they easily stand at the head of our whole moral system, and no nation or people can long continue a happy existence in open violation of them.")

• *State v. Gamble Skogmo, Inc.,* 144 N.W.2d 749, 768 (N.D. 1966) ("Thus, for temporal purposes, murder is illegal. And the fact that this agrees with the dictates of the Judeo-Christian religions while it may disagree with others does not invalidate the regulation. So too with the questions of adultery and polygamy. The same could be said of theft, fraud, etc., because those offenses were also proscribed in the Decalogue.")

• *Commissioners of Johnson County v. Lacy,* 93 S.E. 482, 487 (N.C. 1917) ("[O]ur laws are founded upon the Decalogue; not that every case can be exactly decided according to what is there enjoined, but we can never safely depart from this short but great declaration of moral principles without founding the law upon the sand, instead of upon the eternal rock of justice and equity.")

• *O'Rourk v. State,* 53 N.W. 591, 592 (Neb. 1892) ("Free discussion, however, is the outgrowth of free government. All free government is based on the divine law. God gave the ten commandments to Moses, which contain rules designed to apply to the whole race. Although given to the Israelites, they were designed for all humanity.").

• *Anderson v. Maddox,* 65 So.2d 299, 301-302 (Fla. 1953) ("'Thou shalt not steal' and 'thou shalt not bear false witness' are just as new as they were when Moses brought them down from the Mountain.")

Without listing or citing the scores of references to the Decalogue in the decisions of the lower federal and state courts, the foregoing sampling must suffice to demonstrate the point; namely, the judicial branch of our government has historically, unhesitatingly made the connection between the Ten Commandments and our legal system — the same

connection made by the reasonable observer when viewing the monuments displayed at the Texas State Capitol.

C. Recognition by the Executive Branch

Presidential recognition of the Ten Commandments' role in our legal system and culture has not been wanting. Besides frequent references to the general concept of civic order being based on divine law[10] several U.S. Presidents have made specific reference to the foundational role of the Decalogue; for example, President John Adams wrote:

[10] For example:

". . . the propitious smiles of Heaven can never be expected on a nation that disregards the eternal rules of order and right which Heaven itself has ordained. . ." *Washington's First Inaugural, 1789.*

"enlightened by a benign religion, professed, indeed, and practiced in various forms, yet all of them inculcating honesty, truth, temperance, gratitude, and the love of man; acknowledging and adoring an overruling Providence . . ." *Jefferson's First Inaugural, 1801.*

"If we shall suppose that American slavery is one of those offenses which, in the providence of God, must needs come, but which, having continued through His appointed time, He now wills to remove . . . shall we discern therein any departure from those divine attributes which the believers in a living God always ascribe to Him?" *Lincoln's Second Inaugural, 1865.*

"And yet the same revolutionary beliefs for which our forbears fought are still at issue around the globe — the belief that the rights of man come not from the generosity of the state, but from the hand of God." *Kennedy's Inaugural, 1961.*

> If 'Thou shalt not covet' and 'Thou shalt not steal' were not commandments of Heaven, they must be made inviolable precepts in every society before it can be civilized or made free.

John Adams, *4 The Works of John Adams, Second President of the United States 9*, (Francis Adams, ed. 1851);

The Nation's Sixth President wrote:

> The law given from Sinai was a civil and municipal as well as a moral and religious code; it contained . . . laws essential to the existence of men in society, and most of which have been enacted by every nation which ever professed any code of laws .

John Quincy Adams, *Letters of John Quincy Adams to His Son* (Auburn: James M. Alden, 1850) pp. 61, 70-71.

Theodore Roosevelt, recounting his crusade against government corruption wrought by public officials operating without moral compasses, wrote:

> Some years ago another public man enunciated much the same doctrine in the phrase, "The Decalogue and the Golden Rule have no part in political life." Such statements, openly made, imply a belief that the public conscience is dull; and where the men who make them continue to be political leaders, the public has itself to thank for all shortcomings in public life.

Theodore Roosevelt, *The Strenuous Life*, 1900.

To Woodrow Wilson is attributed the following:

> If we had the eyes to see the subtle elements of thought which constitute the gross substance of our present habit, both as regards the sphere of private life and as regards the action of the State, we would easily discover how very much we owe to the Jews for the Ten Commandments and other contributions to Western Law.

Quoted in *Equity Inv. v. Paris*, 437 N.Y.S. 2d 1000, 1001 (N. Y. Civ. Ct. 1981).

And, in his characteristically terse fashion, Harry S. Truman said:

> The fundamental basis of this nation's laws was given to Moses on the Mount.

Harry S. Truman, *Public Messages, Speeches and Statements by the President, Jan. 1 to Dec. 31, 1950* (Washington, D.C., U.S. Government Printing Office, 1965) Item 37, p. 157.

D. *Legislative Recognition*

Because, as Justice Frankfurter observed, "innumerable civil regulations . . . reinforce commands of the decalogue," *McGowan v. Maryland*, 366 U.S. 420 (1961), it should come as no surprise to find that, historically, the foundational role of the Commandments has found expression in legislation. It is no exaggeration to say that the Ten Commandments, *literally*, have been part of our legal system for over a millennium.

As previously noted, Sir William Blackstone identified King Alfred as the founder of the English common law. *Blackstone's Commentaries*, Book I, Sec. 2.[11] The Laws of King Alfred — the very first written compilation of our laws — start with the Ten Commandments.[12]

The ubiquity of the Ten Commandments in our history also manifests itself in the legal codes of the thirteen original colonies. It may fairly be said that all of the colonies incorporated the Decalogue — in whole or in part — in their legal codes. *See,* examples reprinted in Donald S. Lutz, ed., *Colonial Origins of the American Constitution: A Documentary History*, Liberty Fund, Indianapolis 1998. After independence, the Commandments continued to exert an obvious and strong influence on legislation, even legislation drafted by ardently anti-Establishment lawmakers such as Jefferson and Madison. It was Jefferson, after all, who (along with Madison,) when revising Virginia's code in 1785, included "Bill Number 84: Bill for Punishing Disturbers of Religious Worship and Sabbath Breakers," *see* Daniel L. Dreisbach, "Religion and Legal Reforms in Revolutionary Virginia," in *Religion and Political Culture in Jefferson's Virginia*, Sheldon, G. W., and Dreisbach, D. L., eds., Rowman and Littlefield Publishers, Inc., Lanham, Md., 2000.[13]

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[11] *See* note 2, *supra.*

[12] *See* note 4, *supra.*

[13] For Jefferson, recourse on important official occasions to the imagery of Moses and the Israelites was apparently second nature. His original design for the Great Seal of the United States was of Moses leading the people of Israel through the Red Sea while Pharaoh and his army drowned, with the following motto: "Rebellion to Tyrants is Obedience to God." Hutson, James H., *Religion and the Founding of the American Republic*, 1998, Library of Congress, Washington, D.C., pp. 50-51. His Second Inaugural

Aside from the broad and undeniable influence of the Mosaic law on our legal system in general,[14] it is clear that specific provisions of the Ten Commandments continue to directly influence and, indeed, be incorporated into our legal codes as even a cursory look at our criminal codes will attest.

Even the oft-repeated truism that the first three or four of the Commandments are "exclusively religious" turns out not to be true. *See Stone v. Graham*, 449 U.S. at 41-2 (1980). The *Stone* Court majority's characterization of the "first part of the Commandments" as "exclusively religious" cannot withstand examination.[15] The Sabbath observance

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also evokes Exodus:

> I shall need, too, the favor of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land and planted them in a country flowing with all the necessities of life . . .

A Compilation of the Messages and Papers of the Presidents, 1789-1897, 10 vols. (Washington, D.C., U.S. Government Printing Office).

[14] *See, e.g.*, Russell Kirk, *The Roots of American Order*, Regnery Gateway, 1991, 11-49; *and* Michael Novak, *On Two Wings: Humble Faith and Common Sense at the American Founding*, Encounter Books, 2001.

[15] While the routine application of *Stone* by lower courts in Ten Commandments cases is understandable at first glance, it is clear that the lower courts have placed far too much weight on what is, by this Court's definition, a weak precedent. *Stone* was a 5-4 *per curiam* decision rendered without briefing or oral argument. This Court has said that it is "less constrained to follow precedent where . . . the opinion was rendered without full briefing or argument." *Hahn v. United States*, 524 U.S. 236, 257 (1998); *also, Gray v. Mississippi*, 481 U.S. 648, 651, n.1 (1987) (citing *Edelman v. Jordan*, 415 U.S. 651, 671 (1974)) ("The Court, of course, at times

Commandment was deemed to have broad secular application by the Court itself in *McGowan v. Maryland*, 366 U.S. 420 (1961). The Commandment against "using the Lord's name in vain" is applied in daily secular life, especially in law and politics, where witnesses and government officials still swear to tell the truth or uphold the law "so help me God." *ACLU of Ohio Found., Inc. v. Ashbrook*, 375 F.3d at 507 (6th Cir. 2004) (Batchelder, J., dissenting).

The Commandment against worshipping idols, paradoxically, has had arguably the broadest secular application of all: it was referred to by the pamphleteers of the Revolutionary era as one of the reasons for overturning monarchy with its pretensions of "divine right." *Id.* Thomas Paine, free-thinking Deist though he may have been, made the connection which he knew would resonate with the readers of his best-selling *Common Sense*:

> And when a man seriously reflects on the idolatrous homage which is paid to the persons of kings, he need not wonder that the Almighty, ever jealous of his honor, should disapprove a form of government which so impiously invades the prerogative of heaven.

Thomas Paine, *Common Sense*, quoted in *The Founders' Constitution*, Vol. I, ch. 4, p. 106.

This equating of the British regime with idolatry was a common rhetorical tool used by advocates of American

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has said that summary action here does not have the same precedential effect as does a case decided upon full briefing and argument").

independence in colonial times. Paine was, in fact, merely echoing sentiments widely voiced among his countrymen:

> Not only did Parliament's claims represent tyranny, they also represented idolatry. For colonists to honor these claims would be tantamount to forsaking God and abdicating their national covenant pledge to "have no other gods" before them.

Harry A. Stout, *How Preachers Incited Revolution*, Christianity Today, Spring 1996.

James Otis, in his 1764 work, *The Rights of the British Colonies Asserted and Proved*, thundered:

> It is the greatest idolatry, begotten by flattery, on the body of pride, that could induce one to think that a single mortal should be able to hold so great a power . . . The power of GOD almighty is the only power that can properly and strictly be called supreme and absolute.

The Founders' Constitution, Kurland and Lerner, eds. Vol. One, p. 52 (all caps in original.)

Thus, even the First Commandment, the one most readily dismissed in this context as having no discernible secular application, is shown to have had direct secular, political application in the creation of the American polity itself. It is beyond serious question, therefore, that the Ten Commandments — all ten of them — have exerted an enormous influence both on the general framework of our legal system as well as the specifics of our legal codes.

E. *Recognition by Depiction on Public Property*

More than once, members of this Court have pointed to the depiction of Moses and the Ten Commandments in the Court's own courtroom to illustrate acceptable accommodation by government of a religious practice or display. *Lynch,* 465 U.S. at 677; *County of Allegheny*, 492 U.S. at 652-53. In fact, the U.S. Supreme Court building has no fewer than three depictions of Moses and/or the Ten Commandments: 1) as part of the courtroom frieze, 2) dominating the East Pediment, and, 3) as part of a depiction of John Marshall on the West Pediment.[16] The East Pediment shows Moses holding the tables of the law flanked by Solon of Athens and Confucius.[17] App. B 11a-1.

The U.S. House chamber features 23 marble relief portraits of "historical figures noted for their work in establishing the principles that underlie American law."[18] According to the House Curator, the "eleven profiles in the eastern half of the chamber face left and the eleven in the western half face right, so that all look towards the full-face relief of Moses in the center of the north wall."[19] App. B 11a-2.

Courthouses and other public buildings across the nation abound with depictions of Moses and the Ten Commandments. The following is a nonexhaustive list of examples (where available, photographs of the depictions are contained in App. B):

[16] Office of the Curator, United States Supreme Court.
[17] *Id.*
[18] Office of the Curator, U.S. House of Representatives.
[19] *Id.*

- *U.S. Courthouse/Federal Building in Cleveland, Ohio*
  Main courtroom dominated by Edwin Blashfield's "The Law," the center of which depicts two angels pointing at a stone on which are inscribed the Ten Commandments. *See* "Brief Description of Mural Paintings and Statuary, Federal Building, Cleveland, Ohio." U.S. Dist. Ct. N.D. Ohio, Clerk's Office. *See* App. B 11a-3.

- *U,S. Courthouse in Indianapolis, IN*
  Ceremonial courtroom features W. B. Van Ingen's "Appeal to Justice" surmounted by two winged figures, one of whom holds the tablets of the Decalogue. Painting is located above the bench. *Traces*, Vol. 15, No. 3, Summer 2003. App. B 11a-4.

- *Pennsylvania Supreme Court in Harrisburg, PA*
  Supreme Court courtroom contains painting of "The Decalogue — Hebrew Idea of Revealed Law." App. B 11a-5.

- *Cuyahoga County Courthouse in Cleveland, OH*
  County Courthouse has eleven foot high marble statue of Moses holding the Commandments. Statue is above the courthouse's main entrance. App. B 11a-6.

- *Minnesota Supreme Court in St. Paul, MN*
  Features painting of Moses receiving the Ten Commandments on Mt. Sinai. App. B 11a-7.

- *U.S. District Courthouse in Washington, D.C.*
  Ceremonial courtroom displays statues of Moses, Hammurabi, Solon and Justinian. App. B 11a-8.

- *Chester County Courthouse, West Chester, PA* Plaque containing text of Ten Commandments affixed to outside wall of courthouse. Constitutional challenge rejected by Third Circuit in *Freethought Society v. Chester County*, 334 F. 3d 247 (3d Cir. 2003) App B 11a-9.

- *Michigan Supreme Court, Lansing, MI*
  Decalogue included in a display of Cornerstones of Law.

- *Allegheny County Courthouse, Pittsburgh, PA* Plaque containing text of Decalogue on outside of courthouse. Constitutional challenge rejected by Third Circuit in *Modrovich v. Allegheny County*, 385 F. 3d 397 (3d Cir. 2004).

- *Tennessee Supreme Court, Knoxville, TN*
  Courtroom frieze contains depiction of tablets of the Ten Commandments.

- *New York State Appellate Court, Brooklyn, NY*
  Bas-relief of Moses with Decalogue on the façade of the courthouse. App. B 11a-10.

- *Boston Public Library, Boston, MA*
  John S. Sargent mural of Moses with Commandments in Hebrew script as central panel of north wall. App. B 11a-11.

- *Ronald Reagan Building, Washington, DC*
  "Liberty of Worship" statue resting on the Ten Commandments outside Ronald Reagan Building in Washington, D.C. App. B 11a-12.

- *National Archives, Washington, D.C.*
  Ten Commandments depiction embedded in floor of National Archives Building. App. B 11a-13.

- *Library of Congress, Washington, D.C.*
  Statue of Moses holding Decalogue overlooks main reading room. App. B 11a-14.

- *Nebraska State Capitol, Lincoln, NE*
  Statue of Moses the Lawgiver on outside of state capitol building.

- *Allen County Courthouse, Fort Wayne, IN*
  Circuit Courtroom in Allen County has a mural of Moses and Justinian presenting their laws to their people.

In addition, we know from the case law that the Decalogue has been displayed for decades in courthouses and other public buildings and spaces in Elkhart, Indiana[20]; Cobb County, Georgia[21]; Haywood County, North Carolina[22]; La Crosse,

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[20] *Books v. City of Elkhart*, 235 F. 3d 292 (2000) *cert. denied*, 532 U.S. 1058 (2001).

[21] *See Harvey v. Cobb*, 811 F. Supp. 669 (N. D. Ga. 1993), *aff'd* 15 F.3d 1097 (11th Cir. 1994).

[22] *See Suhre v. Haywood Cty.*, 55 F. Supp. 2d 384 (W. D. N. C. 1999).

Wisconsin[23]; Salt Lake City, Utah[24]; Denver, Colorado[25]; and dozens of other places across the nation.[26]

The ubiquity of the Ten Commandments as a universally recognizable symbol of Law is thus seen in the incorporation of the Decalogue into the artwork and architecture of our public buildings where our laws are made, interpreted, and executed. In a far more literal sense than the legislative prayer at issue in *Marsh*, the Ten Commandments have become "part of the fabric of our society." 463 U.S. at 792.

F. *Recognition in Secular and Popular Culture*

It is also significant to note the way in which the Ten Commandments have become part of secular and popular culture and discourse. This not only distinguishes their use as a symbol from more quintessentially religious symbols such as crucifixes and crèches, but also underscores the fact that, for a reasonable observer, no message of religious disapproval or disenfranchisement automatically follows from a governmental display of the Decalogue.

The cultural ubiquity of the Decalogue is perhaps best illustrated by the frequency with which the phrase "Ten Commandments of . . ." is used in our culture — not connected with religion at all — to convey a set of important, authoritative rules or guidelines for a variety of activities. A

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[23] *Freedom From Religious Foundation, Inc. v. Zielke*, 845 F.2d 1463 (7th Cir. 1987).

[24] *Anderson v. Salt Lake City*, 475 F.2d 29 (10th Cir.) *cert. denied*, 414 U.S. 879 (1973).

[25] *Freedom From Religion Foundation, Inc. v. State of Colorado*, 898 P.2d 1013 (Colo. 1995) *cert. denied*, 516 U.S. 1111 (1996).

[26] *See Anderson, supra.*

survey of periodicals, articles and books from such diverse, secular disciplines as medicine, sociology, business and agriculture shows literally hundreds of titles using the phrase "Ten Commandments of . . ." in purely secular settings. (Appendix C sets forth nearly 200 such titles found in an internet search of databases in "Kentucky Virtual Public Library" on November 27, 2004).

It seems unlikely that a "reasonable observer," who embodies "a community ideal of social judgment, as well as rational judgment," *Pinette*, 515 U.S. at 781, would perceive a message of approval or disapproval of his or her religious choices when, after overindulging on Thanksgiving, he or she picks up a copy of "The Ten Commandments of buying TV fitness gadgets." App. C. The reasonable Zoroastrian otologist would probably not turn in his medical license in disgust after perusing "Ten Commandments for writing a marvelous medical paper" in his office copy of "ENT: Ear, Nose and Throat Journal." App. C. Few, if any, atheist attorneys would withdraw their appearances in cases in the Eighth Circuit Court of Appeals even after stumbling upon the reference to Judge Myron Bright's "The Ten Commandments of Oral Argument" on the Eighth Circuit's website. App. C; also at, *Practitioner's Handbook for Appeals to the Eighth Circuit*, Third Edition (2000) at 105.

The point, of course, is that references to the Decalogue in completely secular contexts are so ubiquitous in American society that the reasonable observer does not automatically think "religion" every time he or she sees a depiction of or comes across the words "The Ten Commandments." On the contrary, the ubiquity in our culture of such references makes it highly probable that a reasonable observer viewing a display like that at the Texas State Capitol in the secular historical context in which it appears would have no difficulty

ascertaining the predominantly secular message intended to be conveyed.

CONCLUSION

The widespread and longstanding recognition by government and secular society of the Decalogue's foundational role is firmly embedded in American culture and, like the traditions and practices catalogued by this Court in *Marsh* and *Lynch*, is "part of the fabric of our society." *Marsh*, 463 U.S. at 1792. Petitioners in this case would have this Court adopt a myopic view of religion and culture which this Court has repeatedly rejected. As Justice Goldberg put it:

> [n]either government nor this Court can or should ignore the significance of the fact that many of our legal, political and personal values derive historically from religious teachings.

Abington School Dist. v. Schempp, 374 U.S. 203, 306 (1963) (Goldberg, J., with whom Harlan, J., joins, concurring)

The Fifth Circuit's decision in this case is completely consistent with this Court's longstanding recognition of not only the historical role of religion in the formation of our secular institutions, but also the need to interpret the Establishment Clause with a "sense of proportion and fit," *Van Orden*, 351 F. 3d at 182, that prides itself on the "ability and willingness to distinguish between real threat and mere shadow." *Abington School Dist.*, 374 U.S. at 308 (Goldberg, J., with whom Harlan, J., joins concurring).

This Court should affirm the judgment of the court below.

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APPENDIX A

STATE SUPREME COURT DECISIONS WHICH REFER TO THE TEN COMMANDMENTS

Addison v. State, 116 So. 629 (Fla. 1928)

Albany Theatre, Inc. v. Short, 154 S.E. 895, 898 (Ga. 1930)

Ames, City of, v. Gerbracht, 189 N.W. 729, 733-734 (Iowa 1922)

Amick v. Montross, 220 N.W. 51, 56 (Iowa 1928)

Anderson v. Maddox, 65 So.2d 299, 301-302 (Fla. 1953)

Atlanta & C. A. L. R. Co. v. Gravitt, 20 S.E. 550, 552 (Ga. 1893)

Barbour v. Barbour, 330 P.2d 1093, 1098 (Mont. 1958)

Baumhoff v. St. Louis & K. R. Co., 104 S.W. 5, 12 (Mo. 1907)

Bertera's Hopewell Foodland, Inc. v. Masters, 236 A.2d 197, 200-201 (Pa. 1967).

Brimhall v. Van Campen, 8 Minn. 13, 22 (1863)

Broadwater v. Otto, 88 A.2d 878, 882 (Pa. 1952)

Bunch v. Shaw, 355 So. 2d 1383, 1384 (Miss. 1978)

Byrn v. New York City Health & Hospitals Corp., 286 N.E.2d 887, 894 (N.Y. 1972)

Caldor, Inc. v. Thornton, 464 A.2d 785 (Conn. 1983)

Caldwell v. Hennen, 1843 La. LEXIS 177, 13; 5 Rob. 20, 26 (1843)

Campbell v. State, 11 Ga. 353, 373 (1852)

Carolina Amusement Co. v. Martin, 115 S.E.2d 273, 277 (S.C. 1960)

Cason v. Baskin, 20 So.2d 243, 247 (Fla. 1944) (en banc)

Chance, State v., 221 P. 183, 188 (N.M. 1923)

Chapman Dodge Center, Inc., State v., 428 So. 2d 413 (La. 1983)

Chicago, B. & Q. R. Co., State v., 143 S.W. 785, 804 (Mo. 1912)

Commissioners of Johnston Co. v. Lacy, 93 S.E. 482, 487 (N.C. 1917)

Costello v. State, 260 So. 2d 198, 205 (Fla. 1972)

Crow, State ex rel., v. Shepherd, 76 S.W. 79, 93 (Mo. 1903)

Crowder v. Philips, 146 Fla. 428, 435 (Fla. 1941)

David H., In re Application of, 451 A.2d 657 (Md. 1982)

Davis, State v., 120 P.2d 808, 810 (Ariz. 1942)

Dell Publications, Inc., Commonwealth v., 233 A.2d 840, 862 (Pa. 1967)

DeRinzie v. People, 138 P. 1009, 1010 (Colo. 1913)

Discargar v. Seattle, 171 P.2d 205, 209 (Wash. 1946)

Doll v. Bender, 47 S.E. 293, 300-301 (W.Va. 1904)

Domestic Block Coal Co. v. De Armey, 102 N.E. 99, 102 (Ind. 1913)

In re Dominy, 779 P.2d 402, 405 (Idaho 1989)

Donahey, State ex rel., v. Edmondson, 105 N.E. 269, 275 (Ohio 1913)

Donaldson, State v., 99 P. 447, 449 (Utah, 1909)

Dunbar, People ex rel., v. Weinstein, 312 P.2d 1018, 1021 (Colo. 1957)

Earley v. Winn, 109 N.W. 633, 640 (Wisc. 1906)

In re Elliott, 446 P.2d 347, 364 (Wash. 1968)

Farr v. Nordman, 78 N.W.2d 186, 195 (Mich. 1956)

Feldman, State ex rel. v. Kelly, 76 So. 2d 798, 802 (Fla. 1954)

Finger, State ex rel., v. Weedman, 226 N.W. 348, 380 (S.D. 1929)

Foreman, State v., 16 Tenn. 256, 284 (1835).

Fox v. Abel, 2 Conn. 541, 553-554 (1818)

Gamble Skogmo, Inc., State v., 144 N.W.2d 749, 768 (N.D. 1966)

George J. Meyer Mfg. Co. v. Howard Brass & Copper Co., 18 N.W.2d 468, 475 (Wisc. 1945)

Gibbs, State ex rel. v. Couch, 139 Fla. 353, 381-382 (Fla. 1939)

Gillooley v. Vaughn, 110 So. 653, 655 (Fla. 1926)

In re Girard College Trusteeship, 138 A.2d 844, 862 (Pa. 1958)

Gould, State v., 46 S.W.2d 886, 889-890 (Mo. 1932)

Greyhound Computer Corp. v. State Dep't of Assessments & Taxation, 320 A.2d 52, 53 n.3 (Md. 1974)

Hackett v. Brooksville Graded School Dist., 87 S.W. 792, 797 (Ky. 1905)

Hambrick, State v., 196 P.2d 661, 665 (Wyo. 1948)

Harris v. Security Life Ins. Co., 154 S.W. 68, 70 (Mo. 1913)

Haskins v. Royster, 70 N.C. 601, 613 (1874)

Hattiesburg v. Beverly, 86 So. 590, 592 (Miss.1920)

Haynes v. Presbyterian Hospital Ass'n , 45 N.W.2d 151, 153 (Iowa 1950)

Hennington v. the State, 17 S.E. 1009, 1010 (Ga. 1892)

Hild v. Hild, 157 A.2d 442, 448, n.5 (Md. 1960)

Hill v. Wilker, 41 Ga. 449, 453 (1871)

Hills v. State, 85 N.W. 836, 839 (Neb. 1901)

Hollywood Motion Picture Equipment Co. v. Furer, 105 P.2d 299, 301 (Cal. 1940)

Holt v. Holt, S.E.2d 504, 508 (Va. 1939)

In re Hopkins, 103 P. 805, 806 (Wash. 1909)

Hosford v. State, 525 So.2d 789, 799 (Miss. 1988)

Ex parte James, 713 So. 2d 869, 899 (Ala. 1997)

Johnson v. State, 163 S.W.2d 153, 156 (Ark. 1942)

Johnston County, Commisioners of v. Lacy, 93 S.E. 482, 487 (N.C. 1917)

Kaplan v. Independent School Dist., 214 N.W. 18, 21 (Minn. 1927)

Kennade, State v., 26 S.W. 347, 350 (Mo. 1894)

In re Kien, 372 N.E.2d 376 (Ill. 1977)

Lambert v. People, 9 Cow. 578, 592 (N.Y. 1827)

Landgraver v. Emanuel Lutheran Charity Board, 280 P.2d 301, 313 (Ore. 1955)

Lane v. Department of Labor & Industries, 151 P.2d 440, 448 (Wash. 1944)

Lashley, State ex rel., v. Becker, 235 S.W. 1017 (Mo. 1921)

Lenston v. Commonwealth, 497 S.W.2d 561, 563 (Ky. 1973)

Malumphy, State v., 461 P.2d 677, 686 (Ariz. 1969)

Markham v. Markham, 272 So. 2d 813, 815 (Fla. 1973)

Marshall v. Salt Lake City, 141 P.2d 704, 711 (Utah 1943)

Mayer v. Frobe, 22 S.E. 58, 61 (W.Va. 1895)

Mays, State v., 395 P.2d 758, 764 (Wash. 1964)

McCurdy, State ex rel., v. Bennett, 163 N.W. 1063, 1066 (N.D. 1917)

Mei, Ex parte, 192 A. 80, 82 (N.J. 1937)

Missouri P. R. Co., State v., 147 S.W. 118, 123 (Mo. 1912)

Moore v. Strickling, 33 S.E. 274, 277 (W.Va. 1899)

Mosko v. Dunbar, 309 P.2d 581, 590 (Colo. 1957)

Murphy v. Campbell Inv. Co., 486 P.2d 1080, 1083 (Wash. 1971)

Murrow Indian Orphans Home v. Childers, 171 P.2d 600, 609 (Okla. 1946)

Myers v. Vanderbelt, 84 Pa. 510, 513 (1877)

Nashville R.R. v. Howard, 78 S.W. 1098, 1103 (Tenn. 1903)

Norton v. Doolittle, 5 Cow. 678, 684 (N.Y. 1825)

Ogden, State ex rel., v. Hunt, 286 P.2d 1088, 1092 (Okla. 1955)

Ohio AFL-CIO, State ex rel., v. Voinovich, 631 N.E.2d 582, 599 (Ohio 1994)

Oldham County, Department of Revenue v., 415 S.W.2d 386, 393 (Ky. 1967)

O'Malley, State ex rel., v. Lesueur, 15 S.W. 539, 542 (Mo. 1890)

One 1955 Willys Jeep, State v., 595 P.2d 299, 308 (Idaho 1979)

Onorato, Succession of, 51 So.2d 804, 810 (La. 1951)

O'Rourk, State v., 53 N.W. 591, 592 (Neb. 1892)

Owens v. Commonwealth, 43 S.E.2d 895, 904 (Va. 1947)

P.G. & H. Coal Co. v. International Union, United Mine Workers, 390 S.E.2d 551, 562 (W. Va. 1988)

Palmetto Golf Club v. Robinson, 141 S.E. 610, 619 (S.C. 1928)

Paramount-Richards Theatres v. City of Hattiesburg, 49 So.2d 574, 577 (Miss. 1950)

Pearce v. Atwood, 13 Mass. 324, 345-346 (1816)

Pierce v. Yakima Valley Memorial Hospital Ass'n, 260 P.2d 765 (Wash. 1953)

Price v. Hitaffer, 165 A. 470, 473 (Md. 1933)

Raines v. Watson, 2 W. Va. 371, 387 (1868)

Raleigh Mobile Home Sales, Inc. v. Tomlinson, 174 S.E.2d 542, 546 (N.C. 1970)

Ralph A. Badger & Co. v. Fidelity Bldg. & Loan Ass'n, 75 P.2d 669, 682 (Utah 1938)

Raymond v. Cotner, 120 N.W.2d 892, 899 (Neb. 1963)

Redwine, State v., 161 P.2d 205, 210 (Wash. 1945)

Riggs v. Palmer, 22 N.E. 188, 190 (N.Y. 1889)

Ring, People ex rel., v. Board of Education, 92 N.E. 251, 258 (Ill. 1910)

Rose, State ex rel., v. Piper, 69 N.W. 384, 387 (Neb. 1896)

Savannah Electric Co. v. Tuck, 63 S.E. 800, 801 (Ga. 1909)

Schreifels v. Schreifels, 287 P.2d 1001, 1005 (Wash. 1955)

Seattle v. Gervasi, 258 P. 328, 329 (Wash. 1927)

Shackelford v. Pool, 9 P.2d 756, 760 (Okla. 1932)

Sheppard v. Michigan Nat'l Bank, 83 N.W.2d 614, 618 (Mich. 1957)

Silliman v. People, 162 P.2d 793, 800 (Colo. 1945)

South C. & C. S. R. Co. v. Herrklotz, 47 S.W. 265, 269 (Ky. 1898)

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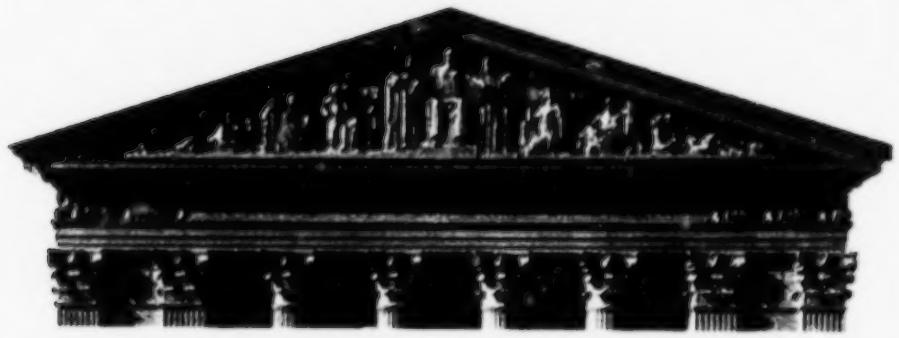
APPENDIX B

COLOR PHOTOS

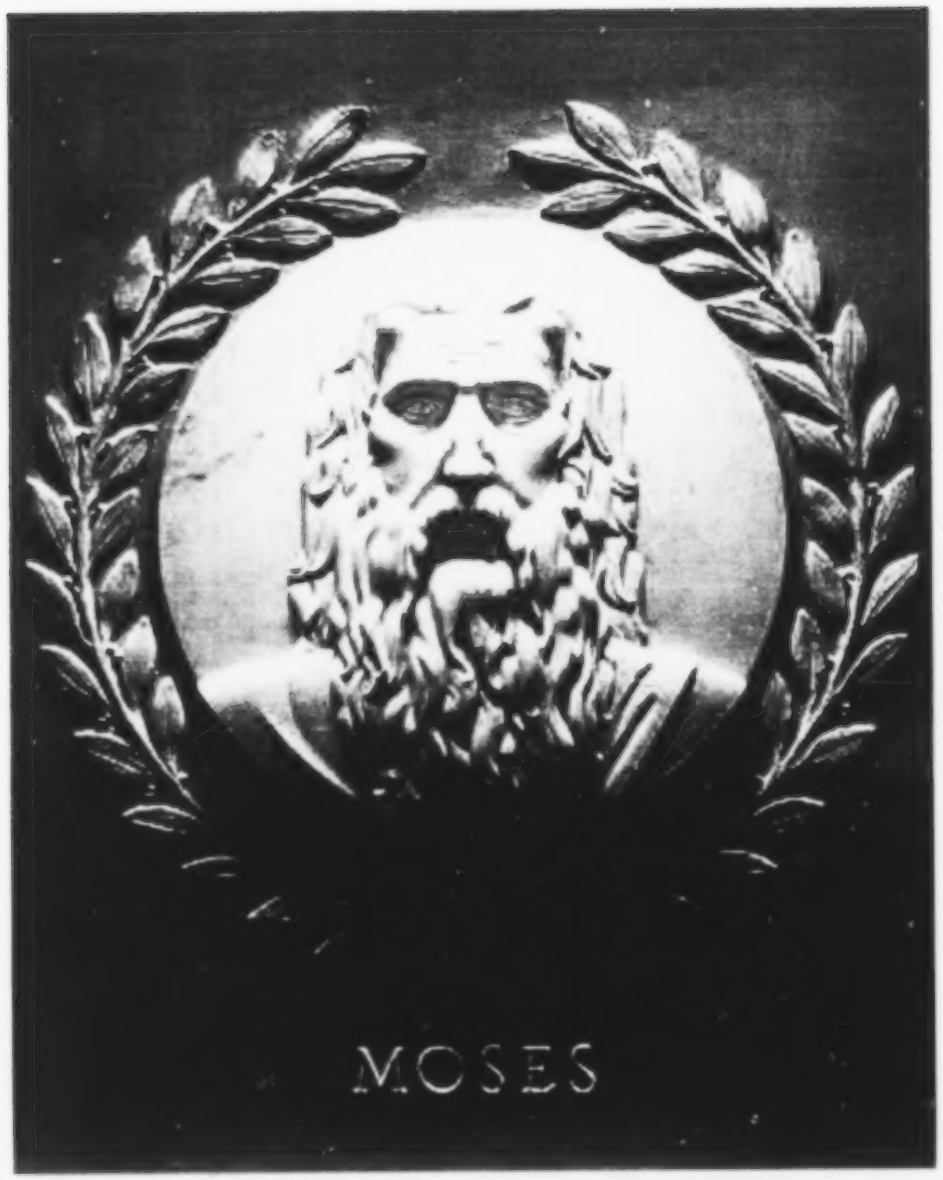
DEPICTIONS OF MOSES AND THE TEN COMMANDMENTS ON PUBLIC PROPERTY



East Pediment of U.S. Supreme Court Building

Detail

11a-2



Chamber of U.S. House of Representatives
Relief of Moses

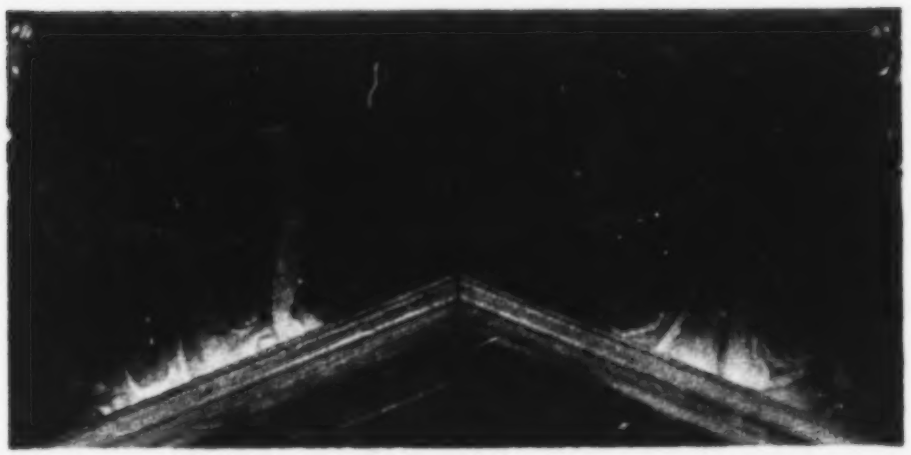
11a-3

U.S. Courthouse / Federal Building in Cleveland, Ohio
Blashfield's mural "The Law"

Detail

11a-4

U.S. Courthouse in Indianapolis, Indiana
Van Ingen's "Appeal to Justice"

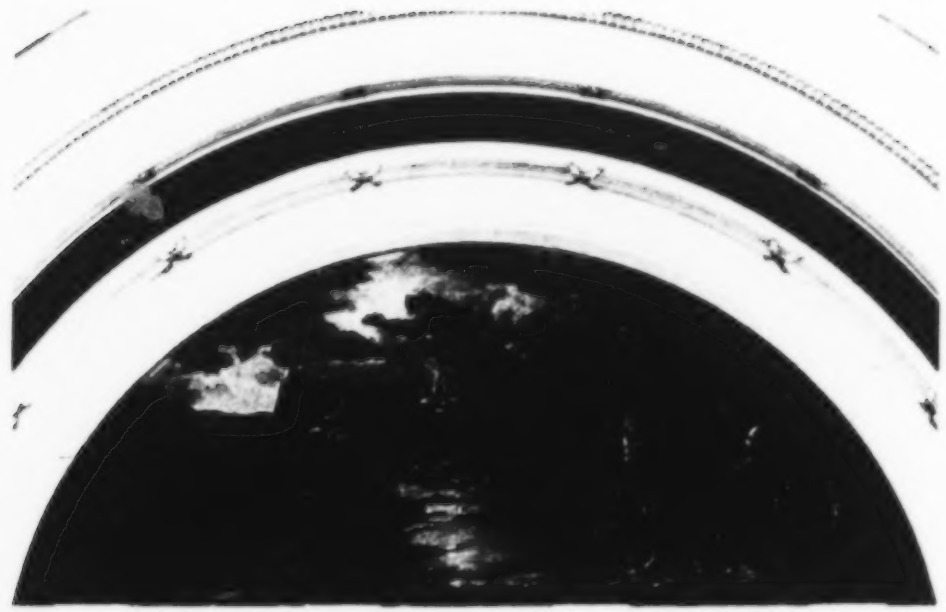


Detail

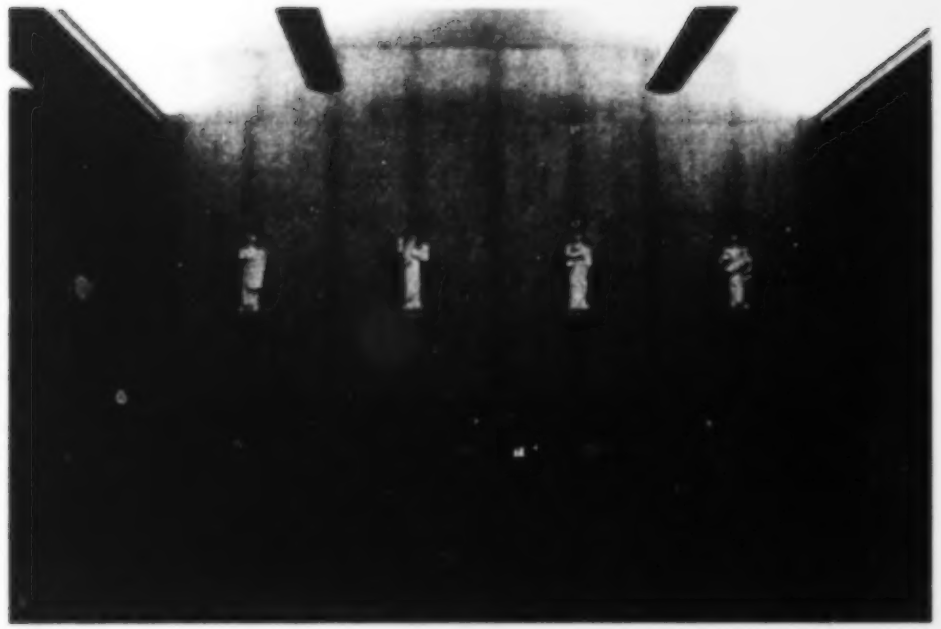
11a-5

Pennsylvania Supreme Court
"The Decalogue — Hebrew Idea of Revealed Law"

Cuyahoga County Courthouse in Cleveland, Ohio
Statue of Moses Overlooking Main Entrance



Minnesota Supreme Court
Moses Receiving the Ten Commandments



U.S. District Courthouse, Washington, D.C.
Statues of Hammurabi, Moses, Solon, Justinian

Chester County Courthouse
Chester County, Pennsylvania

Monroe Place Courthouse
New York Appellate Division, Second Judicial Department
Brooklyn, New York
Bas-Relief of Moses

Boston Public Library,
Central Panel of North Wall
Mural of Moses by J.S. Sargent

Ronald Reagan Building and International Trade Center
Washington, D.C.

National Archives Building
Washington, D.C.

Library of Congress, Washington, D.C.
Statue of Moses Overlooking Main Reading Room

APPENDIX C

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